



# The BEACON *SpotLight*

A Study of Constitutional Issues by Topic

## Issue 7: Making Sense of Government Nonsense

It has been said that “The definition of insanity is doing the same things over and over again but expecting differing results.”

Well, the 2016 Presidential election is certainly proving a certain amount of the truth in that assertion.

Proponents of extreme federal power seemingly have Americans boxed in today, appearing to only ‘allow’ us the option of choosing our preferred dictators, who will then rule over us as they see fit.

But we Patriots who care to object to such absurd reasoning in the Land of the Free must ask ourselves whether there is yet some way for us to uncover the wisdom of our Constitutional Republic, to finally understand how our government went horribly awry?

To break free from the tyranny enveloping these United States of America, it is imperative to examine things differently than we have in our past. We must look for encouraging leads and follow them to their conclusion to see if they can help restore sanity to this land.

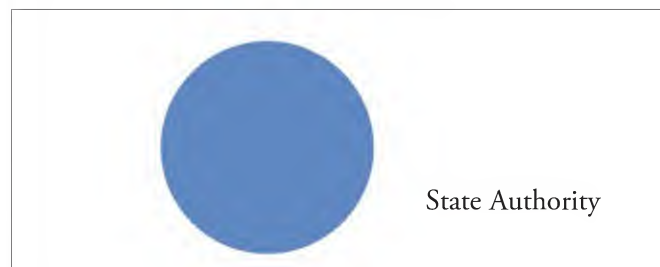
To break free from invalid political constraints placed upon us along the way, it is best to start at the beginning. Let’s do that now; before it’s too late.

In the Declaration of Independence, our founding fathers declared the American colonies to be “Free and Independent States.”

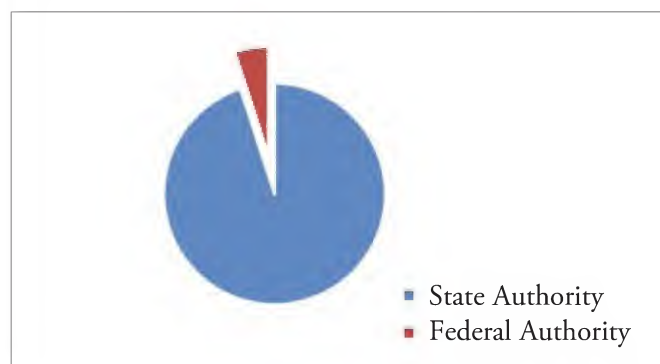
A long and difficult war was necessary to bring validity to that declaration, the war which we Americans won. In the treaty ending the war, the British government acknowledged her former colonies to be “free, sovereign and independent States.”

Upon achieving independence, at least in its most basic form and for our simple purposes here, governmental power devolved upon each State of the Union, individually, even as delegates met together for common benefit.

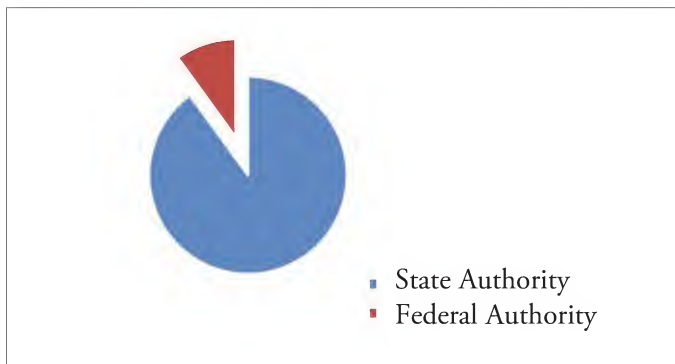
That all governing power resided in each State at the ratification of the Constitution is shown in the pie chart below, showing a whole pie.



By their ratification of the U.S. Constitution under Article VII, however, the States willingly ceded the powers delineated within the Constitution over to the Congress and Government of the United States, thereby and thereafter dividing governing power in the United States into *federal* and *State* jurisdictions, as represented below by the pie chart.



Under Article V of the Constitution, the States of the Union may also ratify Amendments, which “shall be valid to all Intents and Purposes,” as part of the Constitution.



Through Amendments, then, *States* may enlarge or restrict *federal* powers, whenever three-fourths of the States agree to ratify a proposed federal Amendment.

After covering the Article VII ratification and Article V Amendment processes, it is appropriate to now ask if these are *the only times* States ever cede power to the federal government?

The correct answer to the question, as asked, is ‘NO’, even though these two instances are the only generally-acknowledged places in the Constitution where conservatives would admit that States ever delegate power to the United States.

To be able to answer ‘YES’ to the above question, however, it must first be modified to ask, ‘Are the Article VII ratification and Article V Amendment processes the only times States ever *collectively* delegate power to the United States, *for use throughout the whole Union*?’

You see, this clarification is needed because, under Article I, Section 8, Clause 17 of the U.S. Constitution, the States may also cede *the remainder of their governing power* for designated areas to Congress for specialized purposes (for the district constituted as the Seat of Government of the United States or for forts, magazines, arsenals, dock-yards, and other needful buildings otherwise scattered throughout the Union).



But conservatives generally ignore this awe-inspiring power which members of Congress have at their disposal, because they jump to the incorrect assumption that it does not ever impact them, since they don’t live within the District of Columbia or in federal enclaves.

But since the American government has morphed into something wholly unrecognizable from our founders’ vision, it is necessary to examine previously-ignored suppositions to learn if anything vital has escaped our notice.

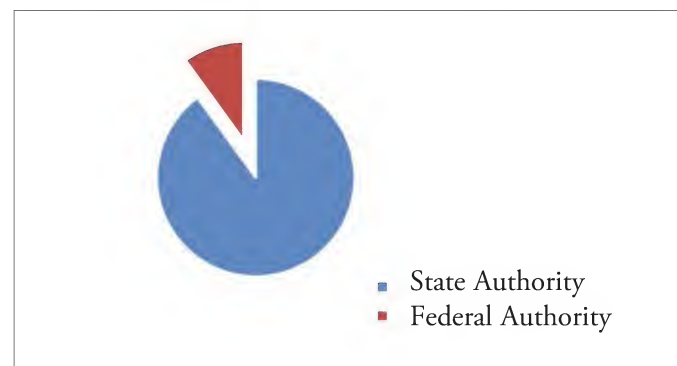
Let’s say for just a moment that this power for D.C., forts and ports somehow impacts citizens even beyond those limited confines. For people who often assert that the federal government frequently acts ‘unconstitutionally’, would it really be that much of a feat for government to somehow cleverly extend its reach?

Perhaps yes and perhaps no, but for now let’s go with ‘yes’ so that we may examine it further.

But before doing that, let’s first recap the basics covered above, just for a moment, to ensure we remain centered upon solid constitutional principles.

With ratification of the Constitution by States under Article VII, governing power became divided into federal and State jurisdictions. This is an activity done *individually* by each State, of its own accord (but it took nine of the 13 original States to first ratify the Constitution into existence, before it could become operational).

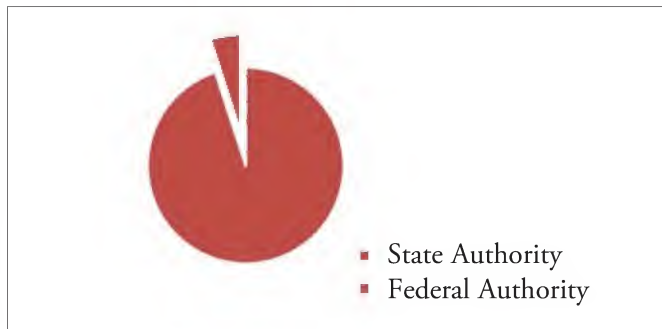
Under the Article V Amendment process, anytime enough States (three-fourths) *individually* decide to ratify a proposed amendment, the States may *collectively* increase or decrease the size of government (increasing or decreasing the size of the red wedge shown in the pie chart below, signifying the allowable federal powers which may be exercised by Congress and the U.S. Government).



Now, under Article I, Section 8, Clause 17, however, each State may *individually* cede to Congress and the U.S. government their *remaining* governing authority *for specific tracts of land* for authorized purposes (*without* collective action by any other State).

In other words, each State may choose, of its *own* accord, to cede to the federal government the remaining blue wedge of State governing authority as represented above, but only over specific tracts of land used for authorized purposes.

The resulting pie chart for these federal enclaves, *after* the State ceded the remainder of its governing powers *for these areas*, now turns the *whole pie red in color*.



As represented by this latest pie chart showing *unified* federal powers, *all* governing power in these special federal enclaves, in the government seat or forts, magazines, arsenals, dock-yards and other needful buildings, is being held all by *one* government. Everywhere else outside of these special areas (which do not extend to federal lands), governing power is *divided* into federal & State jurisdictions.

In the words of Clause 17, here in these special areas members of Congress are empowered to exercise “*exclusive* jurisdiction, in *all* Cases whatsoever.” Here, in every case, the governing power is *exclusive* to Congress. Only in these special areas is governing power united in *one* government.

As one can see within Clause 17, these lands must be ceded “by the *Consent* of the Legislature of the State in which the Same shall be.”

Clause 17 therein and thereby directly acknowledges a *third* instance where States may cede governing power over to the Congress and U.S. Government; thus Articles VII and V are not actually the only places States may ever cede power over to the federal government.

Since we are looking to understand federal powers which appear omnipotent, no matter their origin, further inspection of this source of power is not here out of line.

First of all, it is necessary to realize that when a State cedes governing power over to Congress for federal enclaves, that the State Constitution does *NOT* go along with that cession. It cannot, for if the State Constitution went along with the property the State would still be involved in a governing capacity and Congress could not then exercise “*exclusive* jurisdiction, in *all* Cases whatsoever” as specified by Clause 17 of the U.S. Constitution.

Since the whole of the Constitution beyond Clause 17 does not address how members of Congress may act when enacting legislation for the government seat or forts and ports, one must realize that in these areas, there is here *no* similar enumeration of or limitation upon the multitude of State-like powers which all the States of the Union otherwise have expounded within their State Constitutions, often even of a hundred pages of length.

Imagine then for a moment the tyranny possible within any State of the Union if it had *no* State Constitution to guide, direct and limit State action. Then realize *that* is the power available to Congress for these federal enclaves!

With no State Constitution available to limit this power of Congress for the seat of government or forts and ports, one should begin to understand the extent of discretion available to members of Congress.

Does this sound like the extent of power which members of Congress have been known to act for many, many decades now? Most certainly.

Undoubtedly at this juncture, some people will point to the mayor and city council of Washington, D.C., offering that they enact local legislation. While true, neither can these officials trump Congress, as the Constitution vests solely with Congress the power to exercise “exclusive legislation in all Cases whatsoever” over this area. The mayor and city council therefore ultimately serve only at the pleasure of Congress who have the power to change the local form of government (and they have, many times). Thus all local legislation in the District may be wholly ignored for our purposes, since it cannot overrule congressional action.

With our inspection thus far, one should begin to have an idea of extreme level of discretion that members of Congress have for the government seat, forts and ports.

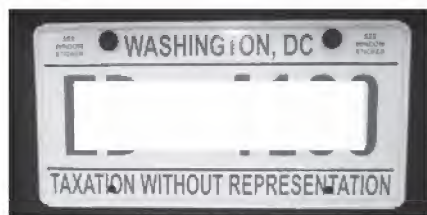
Now imagine the *additional* havoc which could be *additionally* imposed as one removes the restrictions which the U.S. Constitution imposes upon ‘States’, like being prohibited from coining money, emitting bills of credit, or making any thing other than gold and silver coin a tender in payment of debts listed in Article I, Section 10.

One must realize that the District constituted as the Seat of Government is not a ‘State’ as the Constitution understands that term. This area was formed out of lands ceded by ‘States’, but it is decidedly not a ‘State’. The 22<sup>nd</sup> Amendment concedes that the District is not a State when it speaks “as if” it were a State *only* for the new purpose of thereafter having residents choose electors for electing the President and Vice President.



Only 'States' elect members of Congress; therefore here in the government seat there is *no legislative representation*, the fundamental building block of the United States and the primary measure which our founders sought to remedy.

Only 'States' are guaranteed a Republican Form of Government under Article IV (Sect. 4) of the Constitution.



Without legislative representation *here*, officials in the executive departments, government corporations or independent establishments may issue regulations which bind residents without their consent and against their will!

The Tenth Amendment reserves powers to the States which were not delegated to the United States (other than the powers the Constitution prohibited the States and other than powers reserved to the People which were not delegated to any government), but here in the government seat the *Tenth Amendment has no traction* (since there is here no State for which any powers may be reserved)!

Thus members of Congress and government officials may safely ignore the Tenth Amendment *whenever* they legislate for the government seat; in fact, it is without merit to ever bring it up.

Given such implications, Patriots everywhere should begin paying solid attention, as omnipotent federal actions of our incoherent past suddenly begin to fall into place within enumerated constitutional passages.

In the past, Patriots could only place federal tyranny into the category of 'unconstitutional' behavior, which made no sense when upheld by courts. Confusion ensued; chaos which feeds the tyrannical monster, as government seeks to become all things to all people and the center of all.

One should begin to realize that these actions of unimaginable discretion may perhaps not violate *every* clause within the Constitution (at least if it is properly limited to the government seat, forts and ports [and only *appears* to extend beyond these areas]).

To understand the power from which the federal government may draw, further investigation into the phrase "in all Cases whatsoever" as specifically detailed in Clause 17 is in order.

Patriots should be surprised to find this exact phrase in the Declaration of Independence, because there it complained of "acts of pretended Legislation" imposed by the British government upon beleaguered colonists.

This ominous four-word phrase actually originated in the 1766 British Declaratory Act, where Britain asserted the power to bind the American colonists against their will and without their consent "in all cases whatsoever."

The enactment of this stubborn British mindset into law became the ultimate cause of the Revolutionary War; all other injuries listed in the Declaration simply point to different manifestations of this single root cause; different symptoms of the same fundamental problem.

The tragic history of this four-word phrase better alludes to the extensive power it now references for the government seat. This is the power which members of Congress and government officers may exercise in unique federal areas; which should give pause for Patriots to reconsider their political efforts, to reorient them anew to finally fight the *cause* of our disease instead of its irrelevant symptoms.

As we have seen under Article V, only the States may actually *change* the powers of the federal government. Those federal officials and members of Congress who exercise but delegated powers are therefore powerless to change their allowed powers on their own accord.

The necessary implication of this solid constitutional principle is that no action ever performed by any member of Congress, the President and his staff, or even supreme Court justices has therefore actually ever *changed* the Constitution. The Constitution of original intent is fully recoverable, modified only by the 27 ratified Amendments.

Is it really more difficult to believe that the federal government merely operates within a widely-misunderstood but delegated power which offers them unimaginable discretion than believing they may actually change the meaning of words to expand their own powers?

The answer for regaining liberty in 21<sup>st</sup>-century America is to discover exactly *HOW* members of Congress and government officials take great advantage exploiting a poorly-understood power of wide discretion beyond the original confines of these strictly-limited geographical areas.

For a detailed explanation of this information, please see *Patriot Quest*, a free electronic download at:

[www.PatriotCorps.org](http://www.PatriotCorps.org); [www.Archive.org](http://www.Archive.org); or [www.Scribd.com/matt\\_erickson\\_6](http://www.Scribd.com/matt_erickson_6).

